

REMARKS/ARGUMENTS

Claims 1-23 and 25-26 are pending in the application. Previously, Applicants elected without traverse group I, namely claim 13 and in part claims 1-12, 14-23, 25 and 26, drawn to compounds of formula (I) represented by compounds of formula (XII) disclosed on page 12 of specification and methods of using these compounds.

The Examiner has indicated that claim 13 is allowable while rejected claims 1-12, 14-23 and 25-26 under 35 U.S.C. §112, second paragraph. In response, Applicants hereby cancel claims 2-5, 9 and 11-12 and amend claims 1 and 10. Applicants respectfully request reconsideration and allowance of claims 1, 6-8, 10, 13-23 and 25-26.

Claims 1-12, 14-23 and 25-26 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Applicants respectfully disagree. However, in an effort to expedite prosecution, Applicants have amended claim 1. In particular, the claim has been amended to state that the compound is acted upon in vitro or in vivo by an enzyme with aromatase activity. Basis for the amendment can be found on page 1, lines 13-14 of the application ("The invention can be used for determining both in vitro and in vivo enzyme activity...."), page 17 of the application ("In a sixth aspect of the present invention, there is provided the use of a compound as hereinbefore described for measuring aromatase activity as an in vitro or an in vivo imaging probe") and in the Examples, e.g. page 25 "Aromatase Assay" describing an in vitro assay. Thus the 35 U.S.C. §112, second paragraph, rejection should be withdrawn.

The claims are objected to as containing non-elected subject matter. In response, Applicants submit that the claims have been amended, restricting R to an acridone dye of formula II (claim 2), L to an optional linkage group containing 2-30 atoms, S to a substrate group of formula IX. Applicants submit that as such, the claims no longer contain non-elected subject matter. Thus the objection should now be withdrawn.

Applicants assert that the claims are in allowable form and earnestly solicit the allowance of the claims.

Early and favorable consideration is respectfully requested.

Respectfully submitted,

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